

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

|                            |   |                                   |
|----------------------------|---|-----------------------------------|
| <b>PAUL ALLEN,</b>         | : |                                   |
| <b>Plaintiff</b>           | : | <b>CIVIL ACTION NO. 3:16-1688</b> |
| <b>v.</b>                  | : | <b>(MANNION, D.J.)</b>            |
|                            |   | <b>(CARLSON, M.J.)</b>            |
| <b>NANCY A. BERRYHILL,</b> | : |                                   |
| <b>Acting Commissioner</b> | : |                                   |
| <b>of Social Security</b>  | : |                                   |
| <b>Defendant</b>           | : |                                   |

**MEMORANDUM**

Pending before the court is the report of Judge Martin C. Carlson, which recommends that the plaintiff's complaint challenging the final decision of the Commissioner denying her application for supplemental security income ("SSI") under Title XVI of the Social Security Act, (Doc. 1), be granted, and that the case be remanded to the Commissioner. (Doc. 20). Neither the Commissioner nor the plaintiff have filed any objections to Judge Carlson's report. The time within which to file objections has expired.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see *also* [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether

timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31. Upon review, the report and recommendation of Judge Mehalchick will be adopted in its entirety.

The court has reviewed the reasons presented by Judge Carlson for recommending that the plaintiff's complaint be granted, that the Commissioner's decision be vacated, and that this case be remanded for further consideration of the impact of the plaintiff's obesity on her ability to work. Because the court agrees with the sound reasoning that led Judge Carlson to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: July 16, 2018**

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